

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
)  
Revision of the Commission's )  
Rules to Ensure Compatibility )  
with Enhanced 911 Emergency )  
Calling Systems )  
)

CC Docket No. 94-102

COMMENTS OF AT&T WIRELESS SERVICES, INC.

Pursuant to the Public Notice released September 4, 2001,<sup>1/</sup> AT&T Wireless Services, Inc. ("AWS") hereby submits its comments in support of the petition for waiver of the Phase II E911 rules filed by Cingular Wireless, LLC ("Cingular").<sup>2/</sup> Like AWS and many other wireless carriers, Cingular has learned that Phase II deployment consistent with the Commission's timelines is nearly impossible given the current state of Phase II location technologies.

Cingular's waiver request represents an innovative approach to the difficult situation carriers face as they attempt to evaluate recent vendor claims about the availability and accuracy of their solutions in the final weeks before the Commission's Phase II deadline takes effect. Cingular's proposal will ensure the timely deployment of reliable Phase II E911 service to markets served by its TDMA network and satisfies the rigorous standard for a limited waiver of the Commission's Phase II rules.

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<sup>1/</sup> See Public Notice, WTB Seeks Comment on Wireless E911 Phase II Waiver Request Filed by Cingular Wireless, LLC, CC Docket No. 94-102 (rel. September 4, 2001).

<sup>2/</sup> Cingular Wireless, LLC Petition for Limited Waiver of Section 20.18(f), filed August 30, 2001 ("Cingular Petition").

## DISCUSSION

Generally, the Commission's rules may be waived when there is good cause shown and when "special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest."<sup>3/</sup> In the context of the Phase II E-911 rules, the Commission has recognized that there may be instances where "technology-related issues" or "exceptional circumstances" make it impossible for a wireless carrier to deploy Phase II by October 1, 2001, and individual waivers could be granted in these circumstances.<sup>4/</sup> The Commission indicated that a request for such a waiver of the Phase II implementation rules should be "specific, focused and limited in scope, and with a clear path to full compliance."<sup>5/</sup>

Applying these standards, the Commission granted a Phase II waiver to VoiceStream Wireless. The Commission found that VoiceStream's proposal could offer "significant public safety benefits" by immediately providing a level of accuracy and reliability greater than that provided under Phase I, while also ensuring the rapid initial deployment of ALI capability, with a relatively brief transition to even more precise levels of accuracy.<sup>6/</sup> The Commission also found that VoiceStream had satisfied the "special circumstances" requirement because the Network Software Solution/Enhanced Observed Time Difference of Arrival ("NSS/E-OTD") approach it proposed to use "may be the only ALI solution available in the near term for GSM carriers."<sup>7/</sup>

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<sup>3/</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, ¶ 43 (rel. Sept. 8, 2000) ("Fourth MO&O") (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

<sup>4/</sup> Id. at ¶ 43.

<sup>5/</sup> Id. at ¶ 44.

<sup>6/</sup> Id. at ¶¶ 57-60.

<sup>7/</sup> Id. at ¶ 56.

Cingular now makes an equally compelling case for a waiver of the Phase II E911 rules. Specifically, Cingular requests a waiver to permit it to deploy the most recent version of TruePosition's network-based technology in its TDMA/AMPS markets.<sup>8/</sup> In markets that utilize a different combination of air interfaces (e.g., TDMA/AMPS/UMTS, TDMA/AMPS/GSM, or TDMA/GSM), Cingular requests a waiver to deploy (i) a solution that fully complies with the Commission's rules from the outset; (ii) a solution for which Cingular has received prior approval via the waiver process; or (iii) TruePosition's solution.<sup>9/</sup> Like VoiceStream, Cingular has provided a detailed explanation of the technology-related issues and special circumstances that support its waiver request.

Despite years of research and testing, Cingular was unable to identify any commercially available solution for its TDMA network that would satisfy the Commission's accuracy requirements prior to the Phase II E911 implementation deadlines.<sup>10/</sup> Initial test results revealed that network-based solutions were unable to meet the Commission's accuracy requirements,<sup>11/</sup> and that no technology provided superior overall performance across environments.<sup>12/</sup> These results are consistent with the tests conducted by AWS on its TDMA network.<sup>13/</sup> Cingular therefore determined that a switch-based location technology was the most appropriate solution for its TDMA network and it sought a waiver request to use such a switch-based location

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<sup>8/</sup> Cingular Petition at 1, 17.

<sup>9/</sup> Id. at 17-18.

<sup>10/</sup> Id. at 3-6.

<sup>11/</sup> Id. at 6.

<sup>12/</sup> Id.

<sup>13/</sup> See AT&T Wireless Services Inc. Request for Waiver of the E911 Phase II Location Technology Implementation Rules, CC Docket No. 94-102, at 6-11 (filed April 4, 2001).

technology.<sup>14/</sup> Public safety and Commission concerns about the accuracy of the switch-based location solution, however, caused Cingular to withdraw its waiver request to deploy a switch-based location technology.<sup>15/</sup>

TruePosition now claims that the current version of its network-based location solution will locate TDMA callers “within 100 meters at the 67<sup>th</sup> percentile and 190 meters at the 95<sup>th</sup> percentile,”<sup>16/</sup> and it has been willing to back up its claims by guaranteeing to Cingular that its current system will satisfy the FCC’s accuracy requirements in all of Cingular’s TDMA/AMPS markets.<sup>17/</sup> Based on this guarantee, Cingular has decided to deploy TruePosition’s location technology in markets that use the TDMA and/or AMPS interfaces.<sup>18/</sup> Likewise, AWS has agreed to use a similar location technology based solely on the representations received from TruePosition and Grayson Wireless.<sup>19/</sup> Deploying TruePosition’s location technology, however, requires certain switch modifications that will not be available until after the October 1, 2001 implementation deadline.<sup>20/</sup>

Cingular nevertheless has provided a clear path to full compliance with the Commission’s rules. In an effort to eliminate the need for further testing and to expedite Phase II deployment

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<sup>14/</sup> Cingular Wireless LLC Petition For Limited Waiver of Sections 20.18(e)-(h), filed July 6, 2001.

<sup>15/</sup> See Comments of APCO, NENA, and NASNA in Response to Request for Waiver of Cingular Wireless, LLC, filed July 31, 2001.

<sup>16/</sup> Cingular Petition at 14 (citing TruePosition ex parte presentation, CC Docket No. 94-102, at 1 (July 18, 2001)).

<sup>17/</sup> Id. at 17.

<sup>18/</sup> Id. at 14.

<sup>19/</sup> See AT&T Wireless Services, Inc. Ex Parte Presentation, CC Docket No. 94-102, filed September 17, 2001.

<sup>20/</sup> Cingular Petition at 18.

for Cingular's TDMA network, TruePosition has guaranteed that its network-based Phase II solution will satisfy the Commission's accuracy requirements.<sup>21/</sup> In addition, TruePosition is committed to deploying its location technology on 2,000 TDMA/AMPS cell sites by December 31, 2002.<sup>22/</sup> According to Cingular, this deployment schedule should satisfy each of the valid PSAP requests Cingular has received to date in TDMA/AMPS markets.<sup>23/</sup> Cingular also expects that the public safety organizations will assist it with prioritizing outstanding requests for Phase II information.<sup>24/</sup> After 2002, Cingular will be able to deploy its Phase II solution in its TDMA/AMPS markets within six months of a valid PSAP request and anticipates that a Phase II solution would be fully deployed in markets that utilize the TDMA and AMPS networks by late fourth quarter 2004 or early first quarter 2005.<sup>25/</sup>

The public safety benefits of granting Cingular's waiver request are clear. Deployment of TruePosition's location technology will permit Cingular to provide Phase II E911 service to its TDMA and analog subscribers, and to roamers.<sup>26/</sup> In addition, based upon TruePosition's guarantee, the current version of its location technology will satisfy the Commission's accuracy requirements.

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<sup>21/</sup> Id. at 15, 17.

<sup>22/</sup> Id. at 18.

<sup>23/</sup> Id.

<sup>24/</sup> Id.

<sup>25/</sup> Id.

<sup>26/</sup> Id. at 19.

## CONCLUSION

Because Cingular has demonstrated exceptional circumstances that satisfy the requirements for a waiver of the Phase II E911 implementation rules, its request for a waiver should be granted.

Respectfully submitted,

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